

make and enter into any and all contracts, agreements or stipulations germane to the scope of its duties and powers under this Article; and purchase all machines, machinery, tools, implements, appliances, supplies, materials and working agencies whatsoever which it may deem necessary for the full performance and completion of any of the powers conferred and duties imposed upon said Commission, or which may be germane to the same or to the purposes and objects of this Article, and where rights, easements and franchises of the United Railways and Electric Company of Baltimore,¹ its successors and assigns, exist upon any turnpike or private right of way in the Annex which may be improved hereunder, then said rights, easements and franchises may (if the Mayor and City Council of Baltimore and said railways company, its successors and assigns fail to agree upon terms of purchase or surrender) be condemned by the Mayor and City Council of Baltimore under the provisions of Chapter 274 of the Acts of 1904, and Chapter 566 of the Acts of 1906, or in the exercise of its general powers of condemnation, the cost thereof to be defrayed out of the loan provided for in said first mentioned Act, or out of the ordinary proceeds of municipal taxation; provided, however, that the provisions of said Act of 1906 shall be obligatory upon, and not discretionary with, the Mayor and City Council of Baltimore and the Board of Estimates, and the price to be charged for new rights, franchises and easements similar to those condemned, shall be the same as the amount of the condemnation award.

Power of Commission to select route, secure property, etc. Decision of Commission as to property needed not subject to judicial review; exception. Land-owners have no right to interfere with construction of public road by the Commission unless it affects some personal or property right. *Murphy v. State Roads Commn.*, 159 Md. 7.

This section referred to in construing sec. 40. *Dunne v. State*, 162 Md. 274.

1929, ch. 125. 1931, ch. 539, sec. 4.

5. In all proceedings in which the State Roads Commission seeks to obtain property by condemnation under Sections 206 to 212, inclusive, or Sections 329 to 335, inclusive, of Article 23 of the Annotated Code of Maryland, where any owner or owners is or are not known, it shall be lawful to describe such owner or owners as the unknown owner or owners, or the unknown heir or heirs of a deceased owner, and notice shall be given to such unknown persons by publication as notice is provided for in the case of non-residents in Section 207 of Article 23 of the Annotated Code of Maryland; and when such notice is given by publication, it shall have the same effect as if the said unknown owner or owners had personally appeared and answered in the said condemnation proceedings.

An. Code, 1924, art. 91, sec. 29. 1912, art. 91, sec. 35. 1908, ch. 141, sec. 32C.
1931, ch. 539, sec. 5.

6. If the State Roads Commission shall determine that the public necessity, or convenience, or that the purposes of this Article require that any turnpike, or part thereof, whether maintained as such by any turnpike company or otherwise, or whether formerly maintained as such and now abandoned by any turnpike company, or that any public road in whole or in part in any county or counties, and forming a section of a through route or continuous thoroughfare between two or more important points in the State, should be taken charge of by said commission for the State for the purposes of this Article, then, as to such public road or abandoned

¹ Now the Baltimore Transit Company.